

Message Text

UNCLASSIFIED

PAGE 01 STATE 144484
ORIGIN EB-08

INFO OCT-01 IO-14 ISO-00 STR-07 L-03 SS-15 SP-02
COME-00 PA-02 CIAE-00 INR-10 NSAE-00 TRSE-00
ITC-01 AID-05 AGRE-00 CEA-01 DODE-00 FRB-01 H-02
INT-05 LAB-04 CTME-00 SOE-02 OMB-01 DOE-15
NSCE-00 SSO-00 ICAE-00 INRE-00 AF-10 ARA-14 EA-12
EUR-12 NEA-11 /158 R

DRAFTED BY EB/OT/GCP:JSLATTERY
APPROVED BY EB/OT/GCP:JSLATTERY
STR:TSTEWART
L/UNA:AKRECZKO
L/EB:JBAILLY
IO/IEP:RPOOLE
STR:JGREENWALD

-----102638 072218Z /70

O 072139Z JUN 78
FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE

UNCLAS STATE 144484

E.O. 11652: N/A

TAGS: ETRD

SUBJECT: MOST FAVORED NATION (MFN) CLAUSE - INTERNATIONAL
LAW COMMISSION (ILC)

REF: GENEVA 8590

1. WITH RESPECT TO POINTS RAISED IN PARAS 3 AND 4 REFTTEL,
US POSITION IS THAT PREFERENTIAL TRADING ARRANGEMENTS
SHOULD BE GOVERNED BY THE GATT. WHERE THEY DEPART FROM
CONDITIONS SPECIFIED IN GATT ART. 24, THE PARTICIPANTS
SHOULD APPLY FOR A WAIVER UNDER ART. 25:5. IN PRACTICE,
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 144484

WHEN INTRA-LDC PREFERENTIAL TRADE ARRANGEMENTS HAVE BEEN
EXAMINED IN THE GATT, WE HAVE NOT INSISTED ON A REFERENCE
TO ARTICLE 25:5 IN THE DECISION OF THE CONTRACTING PARTIES
PERMITTING A DEROGATION FROM ARTICLE 1. IN ANY CASE, WE
BELIEVE SUCH ARRANGEMENTS SHOULD BE REVIEWED WITHIN GATT
BEFORE THE CONTRACTING PARTIES TAKE ACTION.

2. TEXT PROPOSED BY NJENGA MAKES NO REFERENCE TO INTERNATIONAL OBLIGATIONS OR AGREEMENTS AND THUS APPEARS TO ALLOW PREFERENTIAL ARRANGEMENTS WITHOUT ANY REFERRAL TO GATT PROCEDURES AND IN MANNER MUCH BROADER THAN ART. 24 OR 25.

3. PLEASE NOTE THAT CERDS ARTICLE 21 HAS REFERENCE TO "PROVISIONS AND PROCEDURES OF INTERNATIONAL AGREEMENTS WHERE APPLICABLE", AND THIS DOES NOT REPEAT NOT APPEAR IN NJENGA DRAFT. HOWEVER, FACT THAT US DID NOT REPEAT NOT OBJECT TO CERDS ARTICLE ON THIS SUBJECT IS NOT REPEAT NOT APPROPRIATE PRECEDENT. ILC WORK IS WITH A VIEW TO THE ELABORATION OF AN INTERNATIONAL TREATY WHICH WILL GIVE RISE TO LEGAL OBLIGATIONS. IN CERDS AND OTHER UNGA RESOLUTIONS, HOWEVER, WE HAVE AGREED TO LANGUAGE DESCRIBING CERTAIN POLITICAL COMMITMENTS (E.G., REGARDING OUR EFFORTS TO IMPROVE OUR GENERALIZED SYSTEM OF PREFERENCES) WHICH DO NOT GIVE RISE TO LEGAL OBLIGATIONS OR RIGHTS.

4. PLEASE NOTE TOO THAT SUBJECT OF LEGAL STATUS OF INTRA-LDC PREFERENTIAL TRADE ARRANGEMENTS IS CURRENTLY UNDER NEGOTIATION IN MTN FRAMEWORK GROUP. USG HAS NOT REPEAT NOT YET TAKEN A FORMAL POSITION ON THIS ISSUE IN FRAMEWORK GROUP, BUT AT LEAST SOME AGENCIES OF USG ARE OPPOSED AT PRESENT TO GIVING INTRA-LDC PREFERENTIAL TRADE ARRANGEMENTS ANY STATUS BEYOND THAT DESCRIBED IN PARAGRAPH 1

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 144484

ABOVE.

5. WITH RESPECT TO POINT RAISED BY REFTTEL IN PARA 2, DEPARTMENT WOULD APPRECIATE US DEL'S ANALYSIS OF IMPLICATIONS OF TAKING SUCH POSITION AND US DEL'S VIEW AS TO REASONS FOR EASTERN EUROPEAN AND LDC OPPOSITION. VANCE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MFN, INTERNATIONAL LAW, COMMISSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE144484
Document Source: CORE
Document Unique ID: 00
Drafter: JSLATTERY
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780238-0642
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780685/aaaacuty.tel
Line Count: 100
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 4bd4cc8f-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 GENEVA 8590
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2449186
Secure: OPEN
Status: NATIVE
Subject: MOST FAVORED NATION (MFN) CLAUSE - INTERNATIONAL LAW COMMISSION (ILC)
TAGS: ETRD
To: GENEVA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/4bd4cc8f-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014